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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/780,252  | 02/17/2004  | Pratyush Moghe       | TIZOR-001           | 9651             |
| 50986 7590 02/25/2010<br>LAW OFFICE OF DAVID H. JUDSON<br>15950 DALLAS PARKWAY<br>SUITE 225<br>DALLAS, TX 75248 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| JUNG, DAVID YIUK  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2434  |             |                      |                     |                  |
| NOTIFICATION DATE   |             | DELIVERY MODE        |                     |                  |
| 02/25/2010  |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@davidjudson.com

### Office Action Summary

**Application No.**

10/780,252

**Applicant(s)**

MOGHE, PRATYUSH

**Examiner**

David Y. Jung

**Art Unit**

2434

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 11/11/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-29 and 40-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-29, 40-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### CLAIMS PRESENTED

Claims 1-29 and 40-51 are presented.

Applicant has overcome the previous rejections under 35 USC 101 with amendments and arguments. Thus, only the rejections over the prior art are provided herein.

### *Allowable Subject Matter*

The following is a statement of reasons for the indication of allowable subject matter: Applicant's claims have been amended enough to be able to guess at what may be allowable upon additional features. Page 5 of the specification is singled out as succeeding to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Yet, none of the claims have yet to claim any of this subject matter. The page 5 of the specification provides:

The invention is unique in two respects -1. Technology: Monitoring and analysis is based on trending and anomaly detection at the information or content-level. There have been earlier applications of anomaly detection, but for lower-level activities such as intrusion detection (network-layer or system-layer), or for specific application activity monitoring such as transaction monitoring (credit cards). Information content layer activities are much broader and complex than network-layer or system-layer activities. 2. Application: The current invention has several unique risk assessment applications in the information content security arena. a. Unauthorized Information Disclosure: The invention can detect anomalies based on correlation of information flow, users, and time. These anomalies can be used to discover "unauthorized information disclosures" from confidential information repositories, without requiring to know the specific type of information being disclosed. b. Content Usage Analysis: The invention can analyze content usage and classify content based on rare information exchanges versus common and widely shared information exchanges. This can lead to discovery of "critical" information assets within the organization.

Yet, none of the claims have yet to claim any of this subject matter. Merely claiming "application layer" would directly lead to being covered by "specific application activity monitoring" which is clearly a prior art according to page 5 (and according to actual facts of the art of security). The claims need to recite "entirety of application layer, said entirety of application layer without any application-specific limits."

The art listed in the specification (at the bibliography in the last pages) amply and redundantly show that prior art did indeed (well known even without page 5 of the specification) already have the Unauthorized Information Disclosure and the Content Usage Analysis as also noted in page 5. Because the prior art did indeed (well known even without page 5) already have the Unauthorized Information Disclosure and the Content Usage Analysis as also noted in page 5, the claims can never be allowed without overcome the admissions against art at page 5 of the specification of this application. Thus: merely claiming "application layer" would directly lead to being covered by "specific application activity monitoring" which is clearly a prior art according to page 5 (and according to actual facts of the art of security). The claims need to recite "entirety of application layer, said entirety of application layer without any application-specific limits." At the moment, none of the claims have yet to claim any of this subject matter.

## **CLAIM REJECTIONS**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action.

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-29 and 40-51 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by admissions over the prior art.

For the sake of readability and brevity, the following paragraphs do not fully detail the undisputed issues. For the undisputed issues regarding the rest of the limitations of the claims, see the previous Office Actions.

The prior art, as discussed in the specification (and not merely discussed in the first few pages), refer to the previous types of analysis of anomalies. These anomalies, as noted by Applicant, already had packet analysis, real-time functioning, and changing content. Indeed, as Applicant noted, there is an entire body of knowledge regarding these matters. See, for instance, the entire bibliography of books and articles that Applicant has cited in the specification.

Page 5 of the specification is singled out as succeeding to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Yet, none of the claims have yet to claim any of this subject matter. The page 5 of the specification provides:

The invention is unique in two respects -1. Technology: Monitoring and analysis is based on trending and anomaly detection at the information or content-level. There have been earlier applications of anomaly detection, but for lower-level activities such as intrusion detection (network-layer or system-layer), or for specific application activity monitoring such as transaction monitoring (credit cards). Information content layer

activities are much broader and complex than network-layer or system-layer activities.

2. Application: The current invention has several unique risk assessment applications in the information content security arena. a. Unauthorized Information Disclosure: The invention can detect anomalies based on correlation of information flow, users, and time. These anomalies can be used to discover "unauthorized information disclosures" from confidential information repositories, without requiring to know the specific type of information being disclosed. b. Content Usage Analysis: The invention can analyze content usage and classify content based on rare information exchanges versus common and widely shared information exchanges. This can lead to discovery of "critical" information assets within the organization.

Yet, none of the claims have yet to claim any of this subject matter. Merely claiming "application layer" would directly lead to being covered by "specific application activity monitoring" which is clearly a prior art according to page 5 (and according to actual facts of the art of security). The claims need to recite "entirety of application layer, said entirety of application layer without any application-specific limits."

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specific limits." At the moment, none of the claims have yet to claim any of this subject matter.

***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (571) 272-3811.

/David Y Jung/

Primary Examiner of Art Unit 2434

David Jung

David Jung

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Patent Examiner

2/23/10